

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**JAMES M. BROWN,**

**Plaintiff,**

**v.**

**CORRECTIONS CORPORATION  
OF AMERICA; SHWLIA (LNU),  
SUPERVISORY NURSE, AVA (LNU)  
LPN, JAMES A. PERRY, FORMER  
CHIEF OF SECURITY,**

**Defendants.**

**CIVIL ACTION**

**No. 03-3014-CM**

**MEMORANDUM AND ORDER**

Plaintiff filed the instant action on January 9, 2003. On June 17, 2004, defendants filed a Motion to Strike Jury Demand (Doc. 12) and a Motion to Dismiss (Doc. 13).

Plaintiff has failed to timely submit a response to the pending motions. Rule 7.4 of the Rules of Practice provides that the “failure to file a brief or response within the time specified within [Rules 6.1 and 7.1(c)] shall constitute the waiver of the right thereafter to file such brief or response, except upon a showing of excusable neglect.” D. Kan. R. 7.4.

**Plaintiff is therefore directed to show cause, in writing, on or before September 27, 2004, why defendants’ Motion to Strike Jury Demand (Doc. 12) and Motion to Dismiss (Doc. 13) should not be granted. Plaintiff is further directed to file a response to defendants’ motions on or before September 27, 2004. Where plaintiff fails to respond to this order, the court will consider**

**defendants' Motion to Strike Jury Demand (Doc. 12) and Motion to Dismiss (Doc. 13) without the benefit of plaintiff's response, as set out in Rule 7.4.**

**IT IS SO ORDERED.**

Dated this 13 day of September 2004, at Kansas City, Kansas.

**s/ Carlos Murguia**

**CARLOS MURGUIA**

**United States District Judge**